GOVERNANCE, ACCOUNTABILITY AND DEMOCRATIC INSTITUTIONS IN NEW ZEALAND

A Working Paper on Decision Rights, Transparency, Comparative Analysis, and Electoral Accountability

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1. Purpose and Scope

This working paper examines public governance arrangements in New Zealand through the tests of democratic accountability, transparency, equality before the law, legal certainty, and evidence-based decision-making. It focuses particularly on:

- The presence or absence of comparative analysis when major pathway decisions are made (especially infrastructure protection versus managed retreat or property acquisition).
- The presence or absence of modelling of long-term impacts on ratepayers, property values, and council rating revenue.
- The allocation of decision rights to elected versus non-elected bodies, including co-governance and partnership arrangements.
- The practical transparency of the above through official information processes.

The paper is built from primary formal responses under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987, supplemented by publicly observable institutional structures. It is a working paper, not a finished monograph. Where evidence is incomplete, that is stated.

2. Method

The approach is deliberately narrow and document-driven:

- Prefer primary formal statements by agencies over secondary commentary.
- Test the same core questions across multiple councils and central agencies to identify patterns.
- Separate (a) what agencies formally hold or do not hold, (b) what they release, and (c) interpretive conclusions.
- Avoid speculation about private motives. Focus on institutional design, incentives, and observable outputs.

3. Constitutional and Governance Tests

Arrangements that exercise or influence public power are assessed against the following tests:

- **Democratic accountability:** Can the decision-makers be removed or redirected through ordinary electoral processes by the people affected?
- **Equality before the law:** Do citizens have the same formal standing, or are decision rights allocated by ancestry, group status, or private institutional position?
- **Transparency:** Can the public readily establish what analysis was done, what options were compared, and what the fiscal implications are?
- **Legal certainty:** Are the rules and the hierarchy of obligations clear enough that affected persons can understand and challenge decisions?
- **Evidence-based decision-making:** Were the material trade-offs (including cost, residual risk, and distributional effects) examined and disclosed before the pathway hardened?

4. Core Empirical Pattern: Hazard and Adaptation Decision-Making

A series of Official Information Act and LGOIMA requests submitted to multiple councils and central agencies between June and July 2026 tested two recurring questions:

1. Whether the agency held comparative analysis of major infrastructure protection options versus managed retreat, property acquisition, or voluntary buyout pathways.
2. Whether the agency held modelling or advice on the long-term impacts on ratepayers, property values, or council rating revenue from large-scale acquisition, retreat, or hazard zoning.

The pattern of formal responses is consistent and consequential.

4.1 New Zealand Infrastructure Commission (Te Waihanga)

In response to OIA request OIA26-TW16, Te Waihanga stated that the information in scope comprised documents already published on its website and refused the request under section 18(d) of the OIA (information publicly available). The published material did not constitute the comparative infrastructure-versus-retreat analysis or the Crown/ratepayer liability modelling sought. The practical effect is a formal record that the Commission did not hold (or did not identify) the requested comparative and liability analysis as internal work product.

4.2 Taranaki Regional Council

Taranaki Regional Council provided a clear written response stating that it does not hold comparative analysis of infrastructure protection versus managed retreat pathways, and does not hold modelling of long-term ratepayer or rating-revenue impacts from retreat or acquisition pathways. This is one of the cleanest “we do not hold” admissions in the series.

4.3 Nelson City Council

Nelson City Council’s formal response similarly established the absence of the requested comparative analysis and ratepayer-impact modelling in the form sought. The response forms part of the same national pattern.

4.4 Environment Canterbury (LGOIMA 3512C)

Environment Canterbury released limited expenditure figures for three named coastal-hazard projects (Timaru District Coastal Hazard Assessment, Kaikōura District Coastal Hazard Assessment, and Waitarakao project). It refused the comparative-analysis and ratepayer-modelling limbs under section 17(f) of the LGOIMA (substantial collation or research). No comparative or ratepayer-impact analysis was released.

4.5 Pattern significance

Across multiple agencies the same two strategic questions are either answered with “we do not hold” or refused on collation grounds. Meanwhile, public communications during weather events frequently emphasise evacuation readiness and retreat preparation. The combination produces a decision environment in which pathway choices can harden before the basic comparative and fiscal analysis has been shown to exist.

This is not a claim of universal bad faith. It is a documented institutional pattern with predictable consequences for residents, ratepayers, and long-term Crown exposure.

5. Co-Governance, Tikanga-Led Governance, and Non-Elected Decision Rights

A parallel governance development is the expansion of co-governance, partnership, and tikanga-led arrangements. These take multiple forms: statutory co-governance entities arising from Treaty settlements, local government partnership arrangements, appointment of non-elected representatives to committees, and professional development programmes promoting tikanga-led governance as an operating model.

Tikanga is a body of customary norms. It is not itself a democratic legal system. When public decisions that affect property, rates, or resource allocation are substantially shaped by entities whose authority derives from ancestry, tikanga, or private trust structures rather than from equal electoral accountability, the democratic character of those decisions is altered. This is a structural observation, not a cultural judgement.

Key organisational actors in this domain include:

- **National Iwi Chairs Forum:** the principal coordinating body of iwi chairs; regular interlocutor with ministers; active on co-governance and UNDRIP-related work.
- **Human Rights Commission:** monitors and promotes UNDRIP implementation; supplies official framing that treats co-governance as consistent with human-rights obligations.
- **Tapuwae Roa:** hosts the Amorangi Māori in Governance Summit promoting tikanga-led governance; settlement-derived entity focused on tikanga-based leadership development.
- **Post-settlement governance entities and iwi commercial arms:** the operational layer that holds co-governance seats, resource interests, and local government relationships.

The accountability test remains the same regardless of the cultural or historical framing: who decides, on what authority, with what transparency, and with what ability for the affected population to remove or redirect them through equal electoral processes.

6. Illustration: Teacher Registration and Returning Teachers

A parallel transparency test in the education domain produced a structurally similar result. In response to OIA request EC-4241, the Teaching Council of Aotearoa New Zealand stated that:

- It does not prescribe, deliver, or monitor the content of Teacher Education Refresh programmes and therefore “does not hold information on the proportion or weighting of specific programme content” (including cultural competency or Treaty content versus core pedagogy).
- “The Teaching Council does not hold formal analysis or assessment quantifying the impact of current registration requirements or Teacher Education Refresh (TER) requirements on teacher supply, workforce retention, or the ability of experienced teachers to return to the profession.”

Overall TER enrolment figures released by the Council show a substantial decline from 881 (early 2018) to 97 (mid-2025 to early 2026). The Council has shifted the primary pathway for returning teachers to the Kia Maia | Future Ready Teaching Plan. The absence of impact analysis remains formally recorded.

7. Why These Gaps Matter

When comparative analysis and ratepayer-impact modelling are weak or absent:

- Residents discover the implications of hazard mapping, retreat pathways, or acquisition programmes late.
- Councils face later political and fiscal pressure without having documented the trade-offs.
- Central government inherits larger and less controlled contingent liabilities.

When decision rights are simultaneously shifted toward bodies that are not equally electorally accountable, the public loses two safeguards at once: the analytical safeguard and the electoral safeguard. The combination is more consequential than either gap alone.

None of this requires a claim of coordinated malice. Institutional incentives, risk aversion, moral prestige hierarchies, and short-term political logic are usually sufficient to produce the observed pattern.

8. Practical Mechanisms to Improve Decision Quality

The following mechanisms are deliberately modest. They do not ban any pathway. They require earlier disclosure of trade-offs while decisions remain reversible:

3. **Mandatory comparative statement:** Before advancing managed retreat zoning, large-scale buyouts, or significant new hazard mapping, publish a short comparison of infrastructure protection options versus retreat/acquisition options, including rough order-of-cost and residual risk.
4. **Ratepayer and rating-base impact statement:** Include a simple projection of effects on the local rating base and the incidence of cost.
5. **Fast-track transparency on two core questions:** Treat “Do you hold comparative analysis?” and “Do you hold ratepayer-impact modelling?” as high-priority, low-collation official information questions requiring a prompt “we hold / we do not hold” answer.
6. **Light central monitoring:** Treasury and/or the Infrastructure Commission maintain a periodic scan of localities where rating bases are being structurally affected and where contingent Crown exposure is rising.

9. Realistic Assessment of Impact

Sustained primary-source documentation of the kind assembled here is uncommon. Most public commentary on these topics is rhetorical or campaign-oriented. Formal multi-agency attrition on the specific questions of comparative analysis and ratepayer-impact modelling is rare.

The short-to-medium-term policy impact of such documentation is usually limited. Structural incentives favour the current direction. Organised counter-pressure is weak. The realistic value is:

- Creating a permanent, citable record that makes later denial harder.
- Supplying usable material to the small number of elected members, engineers, journalists, or officials who still examine primary documents.
- Raising the long-term reputational and evidentiary cost of continuing without the basic analysis.

In most scenarios this function resembles an ambulance at the bottom of the cliff rather than a barrier at the top. That does not make the record worthless. It does require honest expectations.

10. Recommendations for Further Work

1. Continue to lodge tightly framed official information requests that force binary answers on the existence of comparative analysis and ratepayer-impact modelling.
2. Deposit primary response letters and short transparency notes in a permanent public archive.
3. Map specific co-governance and partnership arrangements by legal instrument, decision rights, funding, and electoral accountability.
4. Avoid scope explosion. One fully evidenced paper is more useful than multiple unfinished ones.
5. Maintain the distinction between factual institutional description and political advocacy.

11. Conclusion

New Zealand’s hazard-adaptation and co-governance arrangements are producing a recurring pattern: weak or absent comparative analysis, weak or absent ratepayer-impact modelling, and expanding decision rights for bodies that are not equally electorally accountable. These features can be documented from primary sources. They do not require conspiratorial explanation. They do require clear public description if democratic accountability and evidence-based decision-making are to remain operational standards rather than aspirational language.

This working paper records the evidence assembled to date and the institutional tests against which further arrangements should be measured.

Primary sources include formal OIA and LGOIMA response letters from Te Waihanga (OIA26-TW16), Taranaki Regional Council, Nelson City Council, Environment Canterbury (3512C), and the Teaching Council of Aotearoa New Zealand (EC-4241), together with publicly available institutional descriptions of the National Iwi Chairs Forum, Human Rights Commission, and Tapuwae Roa. This is a working paper and should be expanded with additional verified primary sources before any claim of completeness.